REMARKS

Claims 14-16 and 24-36 are pending in the application. Claim 33-36 are newly added.

Claims 14, 15, 24, 26 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,356,863 to Sayle, hereinafter "Sayle. Claim 14 is independent. Applicants respectfully traverse this rejection.

Claim 14 provides a gateway appliance for sending data to and receiving data from a remote data storage location accessible over a communications link. The gateway appliance includes a data processor, a first communications port for communicating with a plurality of computers in a computer network, a second communications port for communicating with a remote data storage facility, and a non-volatile data storage device for storing locally, data to be communicated via said second communications port. The gateway appliance writes user data in a file system dependent format to said non-volatile data storage device, creates emulation data which emulates a file system corresponding to a file system of a network of computer entities, uses said user data and said emulation data to create a transmission data file for transmission, the transmission file being in a file system independent format, and transmits said transmission file over the communications link for remote data storage at the remote data storage location.

Sayle discloses a system where data stored on a "virtual network file server" (VNFS) can be retrieved by a computer connected to the VNFS. The data is stored on the VNFS in such a way that it cannot be directly accessed by the computer using the computer's native data transfer protocol. The intention is that, instead of modifying the operating system of the computer to enable it to retrieve data stored on the VNFS, the computer uses its native data transfer protocol (e.g. TCP/IP) to make a request. A VNFS process 90 running on the VNFS decodes the request and, in response, generates a "virtual file" that is transferred back to the computer. The virtual file can be

generated algorithmically or by "transforming" a stored file accessible by the VNFS, e.g., by decrypting it. However, Sayle does not disclose **performing a transformation of user data to a file system independent format**. The intention of Sayle is to make a large amount of specialized data, such as bioinformatics or computational chemistry-related databases (see column 7, lines 8 - 22 and column 19, lines 9 - 13), available to several computers, rather than using the VNFS for general purpose data storage/backup by networked computers. There is nothing in Sayle that suggests to the skilled person that the VNFS could be modified to transform data to a file system independent format, let alone any disclosure of how that might be achieved.

Sayle discusses how data stored on its VNFS can be "read" by a remote computer, but does not disclose any capability of performing a reverse operation, i.e. storing data from the computer on the VNFS, with the computer's data being converted in some way to a file system independent format. Indeed, there is no detail about the format of data in the physical files that can be "transformed" by the VNFS process. It appears that the format of this data would be same as that of the computer system from which they originated, especially as the intention seems to be to use the VNFS for storage of specialized databases.

Sayle does not disclose or suggest a gateway appliance that "uses said user data and said emulation data to create a transmission data file for transmission, the transmission file being in a file system independent format; and transmits said transmission file over the communications link for remote data storage at the remote data storage location," as recited in claim 14. Therefore, Sayle does not disclose or suggest the elements of claim 14. Thus, claim 14 is patentable over Sayle.

15, 24, 26 and 29 depend from claim 14. For at least reasoning similar to that provided in support of the patentability of claim 14, claims 15, 24, 26 and 29 are patentable over Sayle.

Newly added claims 33-36 recite features similar to those of claim 14. For at

least reasoning similar to that provided in suppport of the patentability of claim 14, for example that Sayle does not disclose **performing a transformation of user data to a file system independent format**, claims 33-36 are patentable over Sayles.

For the reasons set forth above, the rejection of claims 14, 15, 24, 26 and 29 under 35 U.S.C. 102(e) as anticipated by Sayle is overcome. Applicants respectfully request that the rejection of claims 1, 9 through 11 and 17 be reconsidered and withdrawn.

Claim 16, 25, 27, 28, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayle in view of U.S. Patent Application No. 6,535,911 to Miller et al., hereinafter "Miller". Claims 16, 25, 27, 28, 30 and 31 depend from independent claim 14. Applicants respectfully traverse this rejection.

As discussed above, Sayle does not disclose or suggest a gateway appliance that "uses said user data and said emulation data to create a transmission data file for transmission, the transmission file being in a file system independent format; and transmits said transmission file over the communications link for remote data storage at the remote data storage location," as recited in claim 14. Applicants do not believe that Miller makes up for the deficiencies of Sayle, as it applies to claim 14. Thus, neither Sayle nor Miller discloses or suggests the elements of claim 14. Therefore, claim 14 is patentable over the cited combination of Sayle and Miller.

Claims 16, 25, 27, 28, 30 and 31 depend from claim 14. For at least reasoning similar to that provided in support of the patentability of claim 14, claims 16, 25, 27, 28, 30 and 31 are patentable over the cited combination of Sayle and Miller. Applicants submit that the rejection of claims 16, 25, 27, 28, 30 and 31 is overcome, and respectfully request that the rejection of claims 16, 25, 27, 28, 30 and 31 be reconsidered and withdrawn.

An indication of the allowability of all pending claims by issuance of a Notice of Allowability is earnestly solicited.

Respectfully submitted,

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